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EXAMINER

John A. McPherson

| ART UNIT | PAPER |
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| 1795 | 20080508 |

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

It is the position of the Examiner that even after Applicant's amendments, at least some claims of the present application are still not patentably distinct from the claims of 7,123,333. For example, new claim 37 appears to be substantially a combination of patented claims 4 and 5, both of which depend from patented claim 1. Additionally, it is the position of the Examiner that perfecting priority does not effect an obvious double patenting rejection.

/John A. McPherson/
Primary Examiner, Art Unit 1795